

AG Contract No.: KR04-1682TRN
ADOT ECS File No.: JPA 04-113
Project No.: TEA-040-A-(007)A
Project: I-40 Multi-Use Pathway & Landscaping
Section: Stockton Hill Rd. ~ Harrison Rd.
TRACS No.: H6052 01C
Budget Source Item No.: 26905

INTERGOVERNMENTAL AGREEMENT

BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF KINGMAN

THIS AGREEMENT is entered into 29th December, 2004, pursuant to Arizona Revised Statutes, § 11-951 through § 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the CITY OF KINGMAN, ARIZONA acting by and through its MAYOR and CITY COUNCIL (the "CITY").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes § 28-401 and § 28-334 to enter into this Agreement and has delegated to the undersigned the authority to execute this Agreement on behalf of the State.

2. The City is empowered by Arizona Revised Statutes § 48-572 to enter into this Agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of the City.

3. Congress has authorized appropriations for, but not limited to, the twelve eligible transportation enhancement provisions.

4. The City has selected such project within the boundary of the City; the field survey of the project has been completed; and the plans, estimates and specifications have been prepared and, as required, submitted to the State and Federal Highway Administration (FHWA) for their approval.

NO. 27282
Filed with the Secretary of State
Date Filed: 12/29/04
Janice K. Brewer
Secretary of State

By: Vinny D. Graenewald

5. The State and the City are in mutual agreement to design, construct and landscape of a multi-use pathway within the right of way of Interstate 40 (I-40), from Stockton Hill Road, milepost (MP) 51.70 to Harrison Road, MP 52.29 all within State's right-of-way. The State will remove current existing 8-ft wide of asphalt path between Fairground Blvd. and Harrison Road and construct a 10-ft wide concrete path on the south side of I-40 between Stockton Hill Road and Harrison Road. The State will landscape the multi-use pathway area including the installation of new irrigation system, decomposed granite mulch and chain link fence. The parties agree that the State will design, construct, and the City will be responsible for maintenance of the multi-use pathway, landscape, irrigation system and provide necessary battery(ies) replacement, water services for the landscaping and irrigation, hereinafter collectively referred to above as the "Project". The responsibility of each of the parties is defined in this Agreement under Section II. Scope of Work.

THEREFORE, in consideration of the mutual covenants expressed herein, it is agreed as follows:

II. SCOPE OF WORK

1. The State will:

a. Prepare plans, specifications and estimates for the Project and submit them to the City for comment as appropriate. Construct the Project using the State and Federal funds estimated at \$243,000.00.

b. Submit a program containing the aforementioned Project to FHWA with the recommendation that it be approved for construction and funding.

c. If such Project is approved for construction by FHWA and the funds are available for construction, hereby agree to be the authorized agent for the City. With the aid and consent of the City and the FHWA, proceed to advertise for, receive and open bids, and subject to the concurrence of the City and the FHWA, enter into a contract with a firm on behalf of the City to whom the award is made for the construction of the Project. Such project is to be performed, completed, accepted and paid for in accordance with the instructions and requirements of the City and the Standard Specifications for Road and Bridge Construction of the Arizona Department of Transportation.

d. Enter into a Project Agreement with FHWA on behalf of the City covering the work encompassed in said construction contract and will request the maximum federal funds available, including construction engineering and administration costs.

e. Not be obligated to maintain said Project, should the City fail to budget or provide for proper and perpetual maintenance as set forth in this Agreement.

f. Be obligate to incur any expenditure should unforeseen conditions or circumstances increase the cost of said work required by a change in the scope of the work requested by the State.

g. Ensure that all of the federal aid funds are spent on portions of the Project that will be opened to the public, free of charge during normal business hours. No federal funds shall be used for any portion of the Project that is not opened to the public.

2. The City will:

a. Review the design documents required for construction of the Project, and provide comments to the State as appropriate.

b. Furnish all water for landscape installation during the construction phase and all water thereafter necessary to properly maintain the landscape, all at City's expense.

c. Be obligate to incur any expenditure should unforeseen conditions or circumstances increase the cost of said work required by a change in the scope of the work requested by the City, and such change(s) require the prior approval of the State.

d. At the conclusion of the contractor's maintenance and warranty period referred to in the construction contract as Landscape Establishment, assume responsibility for maintenance of the Project, at its own cost and as an annual item in its budget for perpetual and proper maintenance of all landscape, including, but not limited to landscaping, the irrigation system, including all testing, adjusting, repairing, providing necessary battery(ies) replacement and operation of the irrigation system.

e. Landscape maintenance shall consist of the care of all landscaping in accordance with accepted horticultural practices, keeping all areas free of weeds, undesirable grasses and litter, applying irrigation water, furnishing and applying insecticide/herbicide sprays and dust to combat diseases and other pests, pruning and replanting as required to maintain the landscaping as it was designed, and established at the completion of the project. The City will also be required to maintain the multi-use pathway and keep it free of debris.

f. Conduct all maintenance work in a manner to minimize traffic congestion and interference with through traffic. All traffic control shall adhere to the requirements of the Arizona Department of Transportation's "Manual on Uniform Traffic Control Device".

III. MISCELLANEOUS PROVISIONS

1. The parties to this Agreement agree that the State of Arizona shall be indemnified and held harmless by the City for the vicarious liability of the State as a result of entering into this Agreement. Each party to this Agreement is responsible for its own negligence.

2. The cost of the construction and construction engineering work covered by this Agreement is to be borne by FHWA and the State, each in the proportion prescribed or as fixed and determined by the FHWA as stipulated in this Agreement.

3. This terms, conditions and provisions of this Agreement shall remain in force and effect until completion of said Project and related deposits or reimbursement, except any provisions for maintenance, electric energy and water provided by the City shall be perpetual, unless assumed by another competent entity. Further, this Agreement may be canceled at any time prior to the award of the Project construction contract, upon thirty (30) days written notice to the other party. It is understood and agreed that, in the event this Agreement is terminated by the City, the State shall in no way be obligated to maintain said Project.

4. This Agreement shall become effective upon filing with the Secretary of State.

5. This Agreement may be cancelled in accordance with Arizona Revised Statutes § 38-511.

6. The provisions of Arizona Revised Statutes § 35-214 are applicable to this Agreement.

7. This Agreement is subject to all applicable provisions of the Americans with Disabilities Act (Public Law 101-336, 42 U.S.C. 12101-12213) and all applicable federal regulations under the Act, including 28 CFR Parts 35 and 36. The parties to this Agreement shall comply with Executive Order Number 99-4 issued by the Governor of the State of Arizona and incorporated herein by reference regarding "Non-Discrimination".

8. Non-Availability of Funds. Every payment obligation of the State under this Agreement is conditioned upon the availability of funds appropriated or allocated for the payment of such obligation. If funds are not allocated and available for the continuance of this Agreement, this Agreement may be terminated by the State at the end of the period for which the funds are available. No liability shall accrue to the State in the event this provision is exercised, and the State shall not be obligated or liable for any future payments or for any damages as a result of termination under this paragraph.

9. In the event of any controversy, which may arise out of this Agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes § 12-1518.

10. All notices or demands upon any party to this Agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 S. 17th Avenue Mail Drop 616E
Phoenix, AZ 85007
FAX: (602) 712 7424

City of Kingman
City Manager
310 North 4th Street
Kingman, Arizona 86401

11. Pursuant to Arizona Revised Statutes § 11-952, (D), attached hereto and incorporated herein, is the written determination of each party's legal counsel that the parties are authorized under the laws of this State to enter into this Agreement and that the Agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.

CITY OF KINGMAN

STATE OF ARIZONA

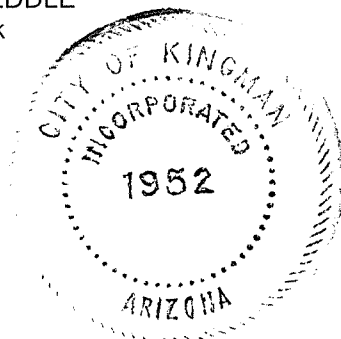
Department of Transportation

By *Monica Gates*
MONICA GATES
Mayor

By *Susan Tellez*
SUSAN TELLEZ
Contract Administrator

ATTEST

By *Toni Weddle*
TONI WEDDLE
City Clerk



CITY OF KINGMAN

REGULAR MEETING OF THE COMMON COUNCIL

6:00 P.M.

Minutes

Monday, December 06, 2004

Members:	Officers:	Visitors Signing In:
M. Gates, Mayor	J. Clos, I.S. Director	See attached list
T. Spear, Vice Mayor	R. DeVries, Police Chief	
J. Baker	T. Duranceau, P & Z Director	
T. Carter	K. Turley, Recording Secretary	
R. Lyons	P. Johnson, City Engineer	
P. Moon	J. Kramer, Public Works Director	
	J. Dorner, Assistant Fire Chief	
	C. Loyd, Finance Director	
	D. Roberts, Comm. Dev. Dir.	
	R. Taylor, City Attorney	
	J. Walker, HR Director	
	T. Weddle, City Clerk	
	T. Zerkle, Interim City Manager	
	B. O'Connor, Pub Transit Coord.	

Mayor Gates called the meeting to order at 6 p.m. and roll call was given. All Council Members were present except for Councilmember French, who was excused. The Invocation was given by Mayor Monica Gates after which, the Pledge of Allegiance was said in unison.

1. APPROVAL OF MINUTES (October 15 & 16, 2004 and November 15, 2004)

CARTER made a MOTION to APPROVE the Minutes of October 15 & 16, 2004 as written. SPEAR SECONDED and it was UNANIMOUSLY APPROVED.

SPEAR made a MOTION to APPROVE the Minutes of November 15, 2004 as written. LYONS SECONDED and it was UNANIMOUSLY APPROVED.

2. APPOINTMENTS

a) Historical Preservation Commission

CARTER made a MOTION to APPOINT Douglas Ohlemann and Mike Hayes, both to 3 year terms ending December 2007. LYONS SECONDED and it was UNANIMOUSLY APPROVED.

b) Parks & Recreation Commission

LYONS made a MOTION to APPOINT Gary Dykeman and Stephen Pebley, both to 3 years terms ending December 2007 and to RE-APPOINT Frances Depuy to a second three year term also ending December 2007. SPEAR SECONDED and it was UNANIMOUSLY APPROVED.

c) Golf Course Advisory Commission

SPEAR made a MOTION to APPOINT Danny Winemiller to a 3 year term ending December 2007 and to RE-APPOINT Ralph Landolfi to a second three year term also ending December 2007. LYONS SECONDED and it was UNANIMOUSLY APPROVED.

- d) Transit Advisory Commission
CARTER made a MOTION to RE-APPOINT Beverly Liles as Business Representative and Jerry Ambrose as Social Service Agency, both to a second three year term ending December 2007. MOON SECONDED and it was UNANIMOUSLY APPROVED.

3. **CALL TO THE PUBLIC - COMMENTS FROM THE PUBLIC**

The Public Hearing was opened. Citizen comments included the following:

Anita Yarbrough stated that she is part owner of the property described in item 4k and is requesting that the City waive its requirement for a fire hydrant in order for a water meter to be placed on the property. She stated that she needs the meter in order to water her horses instead of boarding them. She is not planning on building on the property for approximately 1 year.


Councilmember Jim Baker suggested that she reapply for an agricultural permit that would allow her to have the meter without the hydrant requirement.

Mary Downs who resides at 1091 Calumet Avenue stated that she is the victim of crimes in the area of Third and Beale Street and that she has been the one taken to jail for them. She feels that the area should be listed in the National Register of Historic Places and that would help scare away the problems.

The Public Hearing was closed.

4. **CONSENT AGENDA**

All matters listed here are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the CONSENT AGENDA and will be considered separately.

- a) **Liquor License application - Series 15 – Special Event License**
–VFW Post 3516, agent and applicant Ray L Thomas, Commander of VFW Post 3516, located at 2526 Wikieup Ave, Kingman, Arizona has applied for a Special Event License for a Christmas party to be held on December 18, 2004 from 6:00 PM – 1:00 AM
- b) **Liquor License Application – Extension of Premises**
-Papa Loco's, agent/applicant/owner Brian E Matthews, 2215 Hualapai Mountain Road, has applied for an Extension of Premises for an event to be held on December 8, 2004 from 6 – 8:00 PM at the Powerhouse, 120 W. Andy Devine
-  c) Authorization for the Mayor to sign an IGA with ADOT for the 1-40 Pathway Project
- d) **Resolution No. 4058**
approving the final plat for Mission Hills II, Tract 1992 (if ready)
- e) **Resolution No. 4057**
transferring water service agreement for Vista Bella to new property owners
- f) **Resolution No. 4059**
Request for release of assurances for Rancho Santa Fe, Tract 1950-C
- g) Authorizing emergency repairs for City Well #1 to Gilbert Pump & Equipment in the amount of \$28,750 [sole source provider-Code Sec 2-160 a & c]
- h) Acceptance of Deed of Dedication for public right of way from Woody's on Stockton Hill Road at Sycamore for a traffic signal

- i) Change Order No. 1 to Surface Contracting for Bank St. water and sewer project, allowing an extension of time to address several changes to water and sewer services [Contract No. 03/04-12]
- j) Authorizing the Mayor to sign an agreement with Mohave Engineering/Pando Properties for a new KART bus stop to be located at 2002 Stockton Hill Road
- k) **Municipal Utilities Commission Recommendation - Resolution No. 4052**
--request for water service to an unsubdivided parcel, approximately 2.5 acres, located north of Jagerson Avenue adjacent to the extension of Roosevelt Street. The indicated use is residential. This property is outside the City Limits of Kingman, but is within the water service area for the Kingman Municipal Water System.
- l) **Resolution No. 4053**
--water service to an un-subdivided parcel, located at 1791 Sycamore, to allow the development of a Hampton Inn Hotel Complex. This site is inside the City limits, and inside the water service boundary area. This was requested by Construction Express, applicant and agent for property owner.
- m) **AWARD OF BIDS/PROPOSALS/CONTRACTS**
 - 1) Parks & Rec. – award bid for 21 gas golf carts to SunCor Industries, Inc. – Desert Golf Cars in the amount of \$25,759.68 (price includes all taxes and trade-in value)
 - 2) Parks & Rec. – award bid for Portable Refreshment Unit to Southwest Golf Cars in the amount of \$8,390.26 (price includes all taxes)
 - 3) Public Works – CCTV Sewer inspection van to Advanced Infrastructure Technologies in the amount of \$116,160 [sole source provider-Code Sec 2-160 a & c]
- n) **ACCOUNTS PAYABLE CLAIMS - \$874,021.65**

Baker requested that Item 4k be pulled for discussion.

SPEAR made a MOTION to table Item 4d until the next Council Meeting. BAKER SECONDED and it was UNANIMOUSLY APPROVED.

SPEAR made a MOTION to APPROVE the Consent Agenda with the exception of Items 4d and 4k. LYONS SECONDED and it was UNANIMOUSLY APPROVED.

(Resolution No. 4057)

(Resolution No. 4059)

(Resolution No. 4053)

Item 4k – Resolution No. 4052:

Carter asked City Engineer Pete Johnson if the owners of the property described in Item 4k would be able to reapply under an agricultural permit until they begin building. Mr. Johnson advised that they would but that the City would have to flag their license for follow up to ensure that the hydrant requirement is fulfilled when a building permit is issued. Mayor Gates stated that she felt this would not be an appropriate course of action considering the manpower involved and that the City may then have to do this for every resident who needed to avoid hydrant requirement.

BAKER made a MOTION to APPROVE Item 4k with the condition that the applicant reapply under an agricultural permit and that our building department flag the permit to ensure that a fire hydrant is in place when the applicant begins building. CARTER SECONDED and it was UNANIMOUSLY APPROVED.

Anita Yarbrough then stated that the other owner wanted her water service now and would put in the fire hydrant.

(Resolution No. 4052)

New Business: (for review, comment and/or action)

5. Acceptance of the Annual Financial Report

Coral Loyd, Finance Director, advised that the auditors were snowed in in Flagstaff and could not attend the meeting. She stated that their opinion on the financial statements is unqualified and that the report shows the City to be in good financial condition. The City has an ending balance of \$21.9 million, slightly over the projected budget for 2004. There are no reportable conditions, material weaknesses or instances of noncompliance with laws, regulations or grant provisions noted during the audit.

Spear requested a copy of the fund balance sheet.

The Public Hearing was opened. No comments were received so the matter became an action item.

LYONS made a MOTION to ACCEPT the Audit Report for the Year Ended June 30, 2004. SPEAR SECONDED and it was UNANIMOUSLY APPROVED.

6. Review and direction from Council regarding request for lien release for property located at 309 Maple Street.

City Attorney, Robert Taylor advised that the property was damaged by a fire around 1990 and the nuisance was abated by the City at that time. The City's abatement lien against the property is in the amount of \$4,999.00. Mr. Taylor stated that the present owner inherited the property and has had it listed on the market for approximately two years. The owner has found an interested buyer for the property at a price of \$3,750.00. The owner's trustee had originally stated that he felt the City should remove the lien and allow the sale to go forward or they would have no choice but to quit paying taxes on the property and allow it to go by way of tax sale. After subsequent talks with the owner's trustee, they have agreed to consider any reasonable compromise, such as splitting the proceeds of the sale.

SPEAR made a MOTION to proceed with a compromise to split the proceeds of the sale with the owner. LYONS SECONDED. BAKER voted nay and it was APPROVED by a vote of 5-1.

7. **Planning and Zoning Commission Recommendations**

g. **Resolution No. 4060**

A request from Jeffery A. Goldberg, applicant, and Lee and Gail Bruno, et al, trustees, and First American Title Company, Trust No. 4671, property owners, for a minor amendment to the Kingman General Plan 2020 by changing the projected land use of 104.76 acres of property from 81.16 acres of Community Commercial, 9.40 acres of Neighborhood Commercial and 14.20 acres of Public Quasi/Public land uses to 104.76 acres of Medium Density Residential, 3-8 du/ac. The subject property is located along the south side of I-40, north of Louise Avenue and east of Rancho Santa Fe III, Tract 1950.

Mayor Gates requested that this item be heard first.

Planning and Zoning Director, Tom Duranceau stated that this proposal was heard at the November meeting of the Planning and Zoning Commission. The Fire Department and Arizona Department of Transportation had no objection to the proposal. This would bring approximately 300-400 new homes into the area. The applicant feels that the Rattlesnake Wash Interchange is less likely to occur than the Kingman Crossing Interchange making it less beneficial to have the property zoned as Community Commercial. Mr. Duranceau stated that changing the zoning to Residential will not prevent but will make schools and churches less likely.

Baker questioned how residents would get in and out of the area if the Rattlesnake Wash Interchange did not occur. Mr. Duranceau advised that currently the only route available is Louise Avenue.

The Public Hearing was opened. Citizen's comments included the following:

Jeff Goldberg, Applicant Representative from the offices of Bruno, Brooks & Goldberg stated that his client feels the R-1-8 zoning would be less invasive than Community Commercial and more consistent with the neighborhood. The owners have donated property in the past for a fire department and have spoken with the School superintendent about a High School in the area. The applicant will also donate an 84 foot strip of land for a potential freeway crossing.

Baker questioned ingress/egress for the proposed residences. Mr. Goldberg stated that if the Kingman Crossing Interchange was to be built along with the Airway under pass the residents would have several options.

Carter asked if the property owners would be willing to donate a 150 foot strip along the south side of the freeway for a possible interchange in the future. Mr. Goldberg could not answer the question.

Spear stated that the proposal is short-sighted due to traffic concerns in the area. He also stated that the Kingman Crossing found a way to help fund the interchange in their proposal.

Rachel Thalrose, 2770 Broken Arrow, stated that she has been a resident of Rancho Santa Fe for 10 years and has concerns with the traffic congestion that the proposed rezoning will bring to the area. Ms. Thalrose felt that it is also very unclear whether this is a major or minor amendment to the general plan.

Tom Duranceau clarified the standards that have to be met to qualify as a major or minor amendment and stated that proposed Resolution No. 4060 only qualified as a minor amendment.

Ernest Green, 4237 Pinto Rd, stated that he is against the proposed rezoning. He feels that smaller lots and more residences would reduce his property value and cause traffic problems. He is concerned what effects this would have on the current sewer system and feels no studies have been done to see what the effects would be on the current police, fire and school systems.

Kathy Rossman, 1090 Calumet Avenue, stated that she is against the proposed resolution and that she has concerns with the traffic problems that it would cause.

Bill Couch, 4417 Pinto Road, stated that he has been a resident for 5 1/2 years and feels that development should begin with access not homes.

Additional discussion regarding the steps that could be taken by Council and the applicant to address the citizen's concerns ensued. Lyons had a problem with telling a land owner that they could do nothing with their property indefinitely and question where should new homes go if they cannot go in this location due to increasing traffic concerns. Spear stated that this owner has the same opportunities available to him as all of the other land owners along the freeway.

SPEAR made a MOTION to DENY Resolution No. 4060. BAKER SECONDED. CARTER, LYONS and MOON voted nay and the vote was tied with 3-3.

City Attorney, Robert Taylor and Interim City Manager, Terry Zerkle advised Council that they could retract the motion and restate it, so BAKER made a MOTION to TABLE Resolution No. 4060 until the February 7, 2005 Council Meeting with instructions to the applicant to address traffic concerns, ingress and egress and leave room for Quasi-public zoning, Commercial zoning and a potential interchange by that time. CARTER SECONDED and it was UNANIMOUSLY APPROVED.

(Resolution No. 4060)

a. **Resolution No. 4047**

A request from Joan Van Hoven, applicant, and Clifford Smith, engineer, for the approval of the equivalent cash payment, in lieu of the required street improvements for "By Design", a commercial project located at 5039 Stockton Hill Road. The payment equivalent has been calculated by the City Engineer to be \$3,146.25.

The Public Hearing was opened. There were no comments so this then became an action item.

SPEAR made a MOTION to APPROVE Resolution No. 4047. BAKER SECONDED and it was UNANIMOUSLY APPROVED.

(Resolution No. 4047)

b. **Resolution No. 4054**

A request from Phillip Siegel, applicant and adjacent property owner, for approval of the vacation of the right-of-way for Vermont Street, from Louise Avenue to Sunset Boulevard. The vacation of the subject right-of-way is proposed by the applicant to allow for the acquisition of land on which to build an accessory carport or garage. The subject right-of-way is 50' x 200' in size and is located between Blocks 1 and 6 of Kingman Metropolitan Addition, Unit No. 2.

Tom Duranceau, P&Z stated that the Planning and Zoning Commission's recommendation is that the City split the right of way with the applicant to leave room for future utility expansion needs and accept the \$1000.00 the applicant submitted as fair value on the public benefit received for the right of way abandonment.

The Public Hearing was opened. Citizen's Comments included the following:

Phillip Siegel, applicant, stated that this is the only area where there is room to build a garage near his property.

Mayor Gates stated that it would not be beneficial to the City to vacate the entire right-of-way, as it proves to be more difficult to acquire right-of-way when it is needed by the City. Spear stated that the \$1000.00 amount submitted by Mr. Siegel averages to approximately \$.20 per square foot and does not seem like a fair value. Baker suggests an amount of \$1500.00 plus closing costs for 25' X 214', half of the original request, to Mr. Siegel who agrees.

The Public Hearing was then closed and this became an action item.

BAKER made a MOTION to APPROVE Resolution No. 4054 with the above mentioned change. CARTER SECONDED and it was UNANIMOUSLY APPROVED.

(Resolution No. 4054)

c. **Resolution No. 4055**

A request from Patrick Wagner & Deborah Smith, applicants and property owners, for a conditional use permit [CUP] to allow a commercial parking lot on land zoned R-2:Residential, Multiple Family, Low Density. The parking lot will be associated with a proposed commercial building on adjacent commercially zoned property. The subject property is located on the west side of N. Moore St., between Airway Ave. and Stephens Ave. The property is approximately 5,000 s. f. in size and is further described as Lot 6, Block 10, Kingman Airport Tract.

The Public Hearing was opened. There were no comments so this then became an action item.

CARTER made a MOTION to APPROVE Resolution No. 4055. LYONS SECONDED and it was UNANIMOUSLY APPROVED.

(Resolution No. 4055)

d. **Ordinance No. 1454**

Proposed text amendment to the Kingman zoning ordinance, section 35.000: design review manual for the Hualapai Mountain Road area plan to consider changing the existing design overlay district to a new zoning overlay district for commercially zoned property and modifying existing design guidelines for commercial development

The Public Hearing was opened. No comments were received so this then became an action item.

SPEAR made a MOTION to APPROVE Ordinance No. 1454. BAKER SECONDED and it was UNANIMOUSLY APPROVED.

(Ordinance No. 1454)

e. **This request was DENIED by the Planning and Zoning Commission**

A request from CSNA, Inc., applicant, and Mohave Properties, LLC, property owner, to rezone a certain property from R-1-6: Residential, Single Family, 6,000 s. f. lot minimum to R-2: Residential, Multiple Family, Low Density. The proposed rezoning would allow for the construction of two residential duplexes. The subject property is located on the south side of Silver St., west of Stowell Ave. The property is approx. 13,000 s.f. in size, and is further described as Lots 3 & 4, Block 4, of the Stowell Addition.

Tom Duranceau, P&Z, stated that the proposed rezoning does not meet the requirements to be considered a minor amendment to the General Plan. Mr. Duranceau also stated that this request has already been denied by the Planning and Zoning Commission by a 7-0 vote on November 9, 2004.

The Public Hearing was opened. Citizen's comments included the following:

Bill Williams, 310 E. Oak Street (Office), applicant, stated that he has made many much needed improvements to the downtown area and feels these duplexes would add to that. He also stated that he only builds for resale.

Les Coughlin, 605 Stowell Ave., stated that he is against the proposed building and has gathered signatures from other area residents who are also opposed. He feels it would cause too much to be crammed into a small area but would be fine if the applicant were to put in single-family homes as is currently zoned.

Debra Sixta, 407 Parkview, stated that she walks in the neighborhood every day and has concerns with the safety of the area. She feels that the new buildings would be an improvement to the entire area.

The Public Hearing was then closed and this became an action item.

MOON made a MOTION to uphold DENIAL. CARTER SECONDED. SPEAR ABSTAINED from the vote and it was UNANIMOUSLY APPROVED by a vote of 5-0.

f. **Ordinance No. 1426**

The Planning and Zoning Commission makes no recommendation on this issue

A request from Bettye Logan, applicant, and Ray Northey, property owner, for a review of Condition E in Ordinance No. 1426, approved on June 7, 2004, which rezoned certain

property from R-2: Residential, Multiple Family, Low Density to C-1: Commercial, Neighborhood Convenience with certain conditions. The applicant has requested that the driveway to 805 Stockton Hill Road be allowed to remain open as Condition E required its closure six months after passage of this ordinance. The subject property is located along the west side of Stockton Hill Road between Pico and Jefferson Streets. The property is approximately 5352 square feet in size and is further described as Lots 37 & 38, Block 4, Kingman Metropolitan Addition, Unit No. 2.

The Public Hearing was opened. Citizen's comments included the following:

Bettye Logan, 2060 Suffock, Applicant, stated that she has consulted an attorney and that he stated the ordinance does not allow for ingress/egress to either 805 or 809 Stockton Hill Rd. She is only here on behalf of the property owner and requests that the driveway to 805 Stockton Hill Rd. remain open.

Council discussed safety concerns with the driveway opening onto Stockton Hill Rd. and with traffic coming around that bend without a clear view of cars turning in or pulling out of it.

The Public Hearing was then closed and this became an action item.

SPEAR made a MOTION to DENY changes to Ordinance No. 1426. MOON SECONDED and it was UNANIMOUSLY APPROVED.

(Ordinance 1426)

8. Request for consideration to allow a modification to the approved "improvement plan" for Fripps Ranch subdivision concerning street improvements and the width of sidewalk along North Central Street.

Tom Duranceau, P&Z, stated that the staff consensus is that the 5 foot sidewalk can be maintained. He also stated that with necessity, there can be a 5 foot sidewalk on a collector street. Mr. Duranceau stated that all of the other developers who have submitted plans for Central Street have all indicated they intend on placing 5 foot sidewalks. Planning and Zoning wants to ensure that all of the sidewalks on that street are uniform in width.

The Public Hearing was opened. Citizen's comments included the following:

George Ripps, 3165 Courtney Avenue, stated that he feels there is no technical reason to require him to have 5 foot sidewalks when the guidelines state that the minimum requirement is 4 foot. Mr. Ripps stated that the plans submitted to the City were incorrectly marked and requested that the City allow the modification.

Discussion regarding the necessity of 5 foot sidewalks ensued. Questions were raised regarding how to keep uniformity along the length of the sidewalk if all of the other developers would be putting in 5 foot sidewalks and the City allowed Mr. Ripps to modify his plans to 4 foot sidewalks. Mr. Duranceau stated that none of the other developers plans were in final stages so changes could still be made.

The Public Hearing was then closed.

BAKER made a MOTION to APPROVE the modification to the "improvement plan" for Fripps Ranch subdivision. CARTER SECONDED. SPEAR AND GATES voted nay and it was APPROVED by a vote of 4-2.

9. Setting the time and date for a work session to discuss Capital Improvement Projects

Mayor Gates verified with Council that Friday, January 21, 2005 at 9:00 a.m. will work for everyone. She also stated that it will be an all day meeting.

10. CALL TO THE PUBLIC - COMMENTS FROM THE PUBLIC

The Public Hearing was opened. Citizen's comments included the following:

Lloyd Peterson, 2625 Marlene, stated that he would like to make a comment regarding item 11b. Mr. Peterson stated that improvement districts are primarily funded by residents and that there was an incident in his neighborhood that almost took the life of three children. He also stated that he has spoken with Chief DeVries, Robert Taylor and Jackie Walker.

The Public Hearing was then closed.

11. DEPARTMENT REPORTS

- a) Engineering – Report on possible Improvement District for portions of Kingman Airport Tract and Banks Airport Addition, between Airway and Kino, from Lomita to Roosevelt

City Engineer, Pete Johnson stated that he would like the City to consider an improvement district for the area between Airway and Kino, from Lomita to Roosevelt Street. Mr. Johnson stated that the construction costs would be over two million dollars and near three million total costs. He also stated that some of the options available to the City are:

- Hire a consultant to research the proposal.
- Postpone decision and add to the Capital Improvements discussion.
- Send out mailers and get feedback from residents.

Mr. Johnson feels that contacting the residents is the best option.

- b) Engineering – Request for Improvement Districts

Pete Johnson, Engineering, stated that they have received four different requests for small, one block improvement districts in the east Golden Gate and Cecil Davis subdivisions. The requests are as follows:

- Marlene Avenue, between Monroe Street and Adams Street.
There is currently enough support to proceed.
- Karen Avenue between Jackson Street and Monroe Street.
Engineering prepared a cost estimate and returned it to the residents, at this time there has been no response.
- Emerson Avenue between Jackson Street and Monroe Street.
Engineering prepared a cost estimate and returned it to the residents. The liaison for the residents stated that he did not feel there was enough support to proceed at this time.
- Wallapai Avenue between Jackson Street and Monroe Street.
Engineering prepared a cost estimate and returned it to the residents. At this time there is enough support to proceed.

Spear suggested that the City proceed with Marlene and Wallapai Avenue where there seems to be the support necessary.

- c) Review and direction from Council regarding providing KART service until 9 p.m. on weekdays

Beth O'Connor, Public Transit Coordinator, stated that the Saturday service which began on July 25, 2004 is very popular. She also stated that the 2nd bus stop on Stockton Hill Road which began last Monday, November 29, 2004 is doing very good, though it is still early. The evening service was in the original plan but held back due to issues with the federal funding which have since been resolved. The estimated operating costs for evening service is \$19,200.00, most of which will be covered by the federal grant. The remaining amount is earmarked in the 04/05 budget. The current budget also allows for an additional full-time operator.

Mayor Gates stated that this item should be discussed at the budget meeting. She feels we are subsidizing county residents with a service that is entirely provided by the City and that there needs to be more discussion regarding setting boundaries for the growth of the transit system.

Moon and Carter stated that this item should be dealt with now. Spear and Baker stated that county residents work and spend in the City and use the transit system to get there.

Patricia Lash, 2101 Seneca Street, stated that she is a business owner and on the Transit Advisory Commission. She is also Disabled Representative and stated that she has several clients who use the City's transit system. She states that most of them are having difficulty due to the fact that the service currently stops at 6:00 p.m. and that does not give them time to get home after work.

MOON made a MOTION to APPROVE the extended service time. CARTER SECONDED. MAYOR GATES voted NAY and it was APPROVED by a vote of 5-1.

12. DIRECTION TO THE CITY MANAGER/ANNOUNCEMENTS BY MAYOR & COUNCILMEMBERS

Carter questioned staff as to where we are on synchronizing traffic signals. Dennis Roberts, Community Development Director, stated that nothing has been done as the department did not have enough time.

13. EXECUTIVE SESSION (per A.R.S. § 38-431.03 A.7)

– Property negotiations – Bull Mountain Drainage Channel

RECESS: 9:55 PM

RECONVENE: 10:15 PM

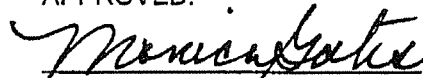
MAYOR GATES made a MOTION to ADJOURN. CARTER SECONDED and it was UNANIMOUSLY APPROVED.

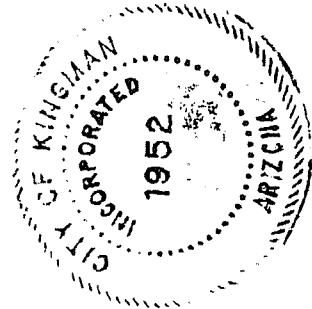
ADJOURN: 10:16 PM

ATTEST:


Toni Weddle, City Clerk

APPROVED:


Monica Gates, Mayor



STATE OF ARIZONA)
COUNTY OF MOHAVE)ss:
CITY OF KINGMAN)

CERTIFICATE OF COUNCIL MINUTES

I, Kristy Turley, Recording Secretary of the City of Kingman, Arizona, hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Regular Meeting of the Common Council of the City of Kingman held on Monday, December 6, 2004.

Dated this 13th day of December, 2004


Kristy Turley, Recording Secretary

CITY OF KINGMAN
MEETING OF THE COMMON COUNCIL

DATE: December 6, 2004

PLEASE PRINT

-
- 1 CHARLEY HUPP
 - 2 Rachel Thakrose
 - 3 LEONARD Thakrose
 - 4 ERNEST R. GREEN
 - 5 PHILLIP SIEGEL *Phillip Siegel*
 - 6 BILL & BETTY COUCH
 - 7 Robert & Sue Brannon
 - 8 Evan Brannon
 - 9 Debbi Smith
 - 10 Jim Chapman
 - 11 ANITA YARBROUGH
 - 12 Jeff Goldberg
 - 13 LOYD D. PETERSON, SR.
 - 14 Gary Schutter
 - 15 Bill Williams
 - 16 *James Pennington*
 - 17 Don Crist
 - 18 PETER PROFFIT
 - 19 Travis Pennington
 - 20 *Debra*
 - 21
 - 22
 - 23
 - 24
 - 25
 - 26
 - 27
 - 28
 - 29
 - 30

APPROVAL OF THE CITY OF KINGMAN ATTORNEY

I have reviewed the above referenced intergovernmental agreement between the DEPARTMENT OF TRANSPORTATION, INTERMODAL TRANSPORTATION DIVISION, and the CITY OF KINGMAN, an agreement among public agencies which, has been reviewed pursuant to A.R.S. § 11-951 through § 11-954 and declare this agreement to be in proper form and within the powers and authority granted to the CITY under the laws of the State of Arizona. No opinion is expressed as to the authority of the State to enter into this agreement.

DATED this 13 day of December, 2004.

Robert A. Tsch
City Attorney



OFFICE OF THE ATTORNEY GENERAL
STATE OF ARIZONA

TERRY GODDARD
ATTORNEY GENERAL

CIVIL DIVISION
TRANSPORTATION SECTION
WRITER'S DIRECT LINE: 602.542.8855

INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR04-1682TRN (**JPA 04-113**), an Agreement between public agencies, i. e., The State of Arizona and The City of Kingman, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the Undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining Parties, other than the State or its agencies, to enter into said Agreement.

DATED: December 22, 2004

TERRY GODDARD
Attorney General

A handwritten signature in cursive script, reading "Susan Davis", written over a horizontal line.

SUSAN E. DAVIS
Assistant Attorney General
Transportation Section